

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13000 of Review and Herald Publishing Association, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue the operation of a parking lot in the R-1-B and C-2-A Districts at the premises 6935 Maple Street, N.W., (Square 3357, part of Lots 815, 839, 59 and all of Lot 820).

HEARING DATE: July 25, 1979

DECISION DATE: August 8, 1979

FINDINGS OF FACT:

1. The subject property is located on the south side of Carroll Street, between Maple and Willow Street, N.W.

2. The subject parking lot encompasses all of lots 58, 59, 815, 820 and 839. All of lot 58 is located in the C-2-A District. The large majority of lots 59 and 839 are located in the C-2-A District. All of lots 815 and 820 and the remaining small portions of lots 59 and 839 are in the R-5-A District.

3. The application was advertised with part of lots 815, 839 and 59 as located in the R-1-B District. The zoning of those properties was R-1-B the last time the parking lot was before the Board. However, on March 8, 1979, the Zoning Commission adopted Order No. 268, which rezoned all of the property zoned R-1-B in Square 3357 to R-5-A.

4. The application must therefore be judged under the standards of Paragraph 3104.44 of the Zoning Regulations, rather than Paragraph 3101.48 as advertised. The Board finds that the requirements of the two paragraphs are essentially the same, and that no potential party has been prejudiced by the citation of the incorrect zone and paragraph number in the notice of the hearing.

5. The only portion of the entire parking lot which technically requires approval from the Board of Zoning Adjustment is the portion in the R-5-A District. However, the lot is operated as a single lot, without regard to the zone boundary line, and the Board has considered the lot as a whole in deciding the application.

6. The application requests permission to continue the use of the property as a parking lot. The lot is presently operating pursuant to approval granted by the Board on June 8, 1977 in Case No. 12255.

7. The parking lot contains 212 parking spaces, and provides parking for the employees of and visitors to the offices of the Review and Herald Publishing Association, which are located immediately across Willow Street to the east.

8. The property is located in close proximity to the Takoma Metro Station. The applicant testified that even with the rail station in operation, parking was still necessary to accommodate employees and visitors from areas which do not have access to the subway. The applicant further testified that the off-street parking provided in the lot helps to keep on-street parking spaces available to service some of the neighborhood retail facilities in the area. The Board agrees.

9. The parking lot has been operated in accordance with all of the conditions of the previous order of the Board.

10. There have been no complaints as to the operation of the lot.

11. The application was referred to the Department of Transportation on June 19, 1979. No report from the Department was received.

12. There was no written report from Advisory Neighborhood Commission 4B.

13. There was one letter of support for the application in the record from an adjoining property owner.

14. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that, even though the notice cited the incorrect zone district and paragraph number of the Regulations, the notice was clear as to the intent of the application. No potential party in opposition has been prejudiced by the incorrect citation.

The Board concludes that the application meets the requirements of Paragraph 3104.44. The lot complies with all the applicable requirements of Article 74. The lot is both necessary and convenient to the operation of the office use across the street. The lot has had no apparent adverse effect on the surrounding community, and in fact benefits the area by allowing cars to be parked off the street. The Board therefore concludes that the application is in harmony with the intent and purpose of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. It is therefore ORDERED that the application is GRANTED subject to the following conditions:

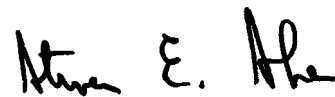
- a. Approval shall be for a period of FIVE YEARS from the date of expiration of the previous Certificate of Occupancy which may be renewed at the discretion of Board upon the filing of a proper application.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. An eight inch coping shall be erected and maintained along each side of all driveways to protect the public space.
- d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

- g. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (William F. McIntosh, Chloethiel Woodard Smith, Charles R. Norris and Leonard L. McCants to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: \_\_\_\_\_



STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 9 OCT 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.